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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,295	04/14/2004	Christopher J. Grubb	W200401	6057

7590 02/15/2006

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EXAMINER

ELISCA, PIERRE E

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/824,295

Applicant(s)

GRUBB, CHRISTOPHER J.

Examiner

Pierre E. Elisca

Art Unit

3621

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to Applicant's amendment filed on 12/22/2005.
2. Claims 1-35 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-35 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Foth et al. (U.S. Pat. No. 6,839,690) in view of Barker et al (U.S. Pat. No. 5,931,916).

As per claims 1, 3, 4, 6-9, and 11-35 Foth substantially discloses a an Internet-based system that allows a buyer and a seller to obtain information about each other while remaining some what anonymous. The system provides historic information to buyer and seller by having a trusted third party give the buyer and seller, the system comprising:

A first computer station (or buyer computer) located at a first location, operable by a first party, and communicatively coupled to the database, a second computer station (or seller computer) located at a second location remotely spaced from the first location, operable by a second party, and communicatively coupled to the database (see., abstract, fig 1, col 2-col 6),

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A user input module configured to operate on a first computer station located at a first location and communicate with a database, a sale negotiation module configured to communicate with the database and input module, and achieve a sale price for the item, Said user input module being further configured to receive an input from one of plurality of users, A generator module configured to request and provide a readable medium to the user at the first location and to communicate with the database (see., abstract, fig 2A, col 3, lines 35-47, specifically wherein said negotiating a contract for the sale of specified goods and merchandise);

Said receiver input module being further configured to receive delivery confirmation from the third party, and produce a delivery indicator, wherein the indicator is perceivable by the user at the first station, Said medium including computer readable codes matched to the input (see., abstract, col 2, lines 26-31, specifically wherein said the system tracks the goods shipment, delivery, acceptance, warranty problem, and payment, it obvious to realize that goods shipment or delivery of items also include a deliver code).

Foth fails to disclose the limitation wherein said module configured to request and provide to the user within a maximum period. Barker discloses a method for retransmitting data to a destination. A RDP module forwards any confirmation of delivery of a datagram to a user at a maximum time (see., col 7, lines 43-67, col 9, lines 22-45). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teaching of Foth by including the limitation detailed

above as taught by Barker because this would indicate when there is an error in the communication attempt at a particular destination.

As per claim 2, Foth discloses the claimed limitation wherein said a receiver input module accessible at a second location and configured to communicate with the database, said receiver input module being further configured to produce a delivery indicator (see., abstract, col 1- col 6).

As per claim 5, Foth discloses the claimed limitation wherein said medium being stored in the record (abstract, fig 1, col 1-col 4).

As per claim 10, Foth discloses the claimed limitation wherein said network comprising a plurality of interconnected networks hosting a plurality of computer work-stations (see., fig 1, items 10, 12, and 17).

RESPONSE TO ARGUMENTS

5. Applicant's arguments have been fully considered but they are moot in view of new ground (s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 571 272 6706. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571 272 6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Pierre Eddy Elisca

Primary Patent Examiner

February 10, 2006